

Docket No.: AMERMOT.066A

May 17, 2005

Page 1 of 1

Please Direct All Correspondence to Customer Number 20995

FACSIMILE TRANSMITTAL LETTER

RECEIVED  
CENTRAL FAX CENTER

MAY 17 2005

Applicant : Leitner, et al.  
App. No : 10/643,708  
Filed : August 19, 2003  
For : RETRACTABLE VEHICLE STEP  
Examiner : Gerald B. Klebe  
Art Unit : 3618

CERTIFICATE OF FAX TRANSMISSION  
PTO CENTRALIZED FAX

I hereby certify that this correspondence and all  
marked attachments are being transmitted via  
facsimile to the USPTO centralized Fax No.  
(703) 872-9306 on the date shown below:

May 17, 2005

(Date)

*Mark J. Kertz*

Mark J. Kertz, Reg. No. 43,711

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is:

(X) Request for Clarification in 3 pages.

The Commissioner is hereby authorized to charge any additional fees which may be required, or  
credit any overpayment, to Account No. 11-1410.

*Mark J. Kertz*

Mark J. Kertz  
Registration No. 43,711  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

1715182  
051705

**RECEIVED  
CENTRAL FAX CENTER**

AMERMOT.066A

MAY 17 2005

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Horst Leitner, Anthony Smith  
Appl. No. : 10/643,708  
Filed : August 19, 2003  
For : RETRACTABLE VEHICLE  
STEP  
Examiner : Gerald B. Klebe

Group Art Unit: 3618

**CERTIFICATE OF FAX  
TRANSMISSION  
PTO CENTRALIZED FAX**

I hereby certify that this correspondence  
and all marked attachments are being  
transmitted via facsimile to the USPTO  
centralized Fax No. (703) 872-9306 on  
the date shown below:

May 17, 2005

(Date)

*Mark J. Kertz*

Mark J. Kertz, Reg. No. 43,711

**REQUEST FOR CLARIFICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed on March 31, 2005, Applicant submits the following Request for Clarification.

In the Notice of Allowability, the Examiner stated that he had "considered all references of record in ... the commonly-owned co-pending application[] Ser. No. 10/641358 ... as of the date of this Office Action ...." Applicant appreciates the Examiner's efforts at clarifying the record as to the references that he considered in allowing the present application and understands that the Examiner considered all of the references currently of record in application Serial No. 10/641358. Nonetheless, the Examiner's statement contains an ambiguity which Applicant would like to clarify.

Nearly simultaneously with the allowance of the present application, the Examiner allowed co-pending application no. 10/641,358 and cited therein a number of references in a Form PTO-892. The Form PTO-892 was mailed to Applicant along with a Notice of

**Appl. No.** : 10/643,708  
**Filed** : August 19, 2003

Allowability pertaining to the '358 application. The table below illustrates the Notice of Allowability signature date and mailing date for both the present application and the co-pending '358 application:

	THE PRESENT APPLICATION	SER. NO. 10/641,358
Notice of Allowability - Date of Signature by Examiner	March 17, 2005	March 18, 2005
Notice of Allowability - Date of Mailing	March 31, 2005	March 31, 2005

In view of the dates set forth above, there is an ambiguity in the Examiner's statement regarding consideration in the present application of the references of record in the '358 application "as of the date of [the Notice of Allowability in the present application]." In particular, it is unclear from the record whether the Examiner considered the references cited in the March 2005 form PTO-892 in the '358 application, when allowing the claims of the present application.

Accordingly, Applicant respectfully requests the Examiner to clarify whether he has considered, in the present application, the following references cited by the Examiner in the March 2005 form PTO-892 in the '358 application:

**U.S. PATENT DOCUMENTS:**

PATENT NO.	DATE	INVENTOR(S)
1,471,972	10/1923	Miller
2,122,040	6/1938	Machovec
3,095,216	6/1963	Browne
3,807,757	4/1974	Carpenter
4,164,292	8/1979	Karkau
4,174,021	11/1979	Barlock
4,440,364	4/1984	Cone
4,679,810	7/1987	Kimball

**FOREIGN PATENT DOCUMENTS:**

COUNTRY	NUMBER	DATE
---------	--------	------

Appl. No. : 10/643,708  
 Filed : August 19, 2003

COUNTRY	NUMBER	DATE
Japan	4339041	11/1992

Conclusion

Applicant respectfully requests clarification of the issues detailed above. If the Examiner has any questions, the Examiner is respectfully requested to telephone the undersigned Attorney.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 17, 2005

By: Mark J. Kertz

Mark J. Kertz  
 Registration No. 43,711  
 Attorney of Record  
 2040 Main St., Fourteenth Floor  
 Irvine, CA 92614  
 (949) 760-0404

1703025  
 050905